

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-CR-000182-JHP
)	
SCOTT FREDRICK ARTERBURY,)	
)	
Defendant.)	

UNITED STATES' MOTION TO CONTINUE

The United States of America, by and through counsel, Danny C. Williams, Sr., United States Attorney for the Northern District of Oklahoma, and Andrew J. Hofland, Assistant United States Attorney, moves this Court to continue the jury trial for Defendant Arterbury so the United States may go through the process for determining potential appellate remedies for the Court's recent order granting suppression (Doc. 47). In support of this Motion the United States submits the following for the Court's consideration:

1. A jury trial in the above-captioned case is scheduled to commence on Tuesday, May 17, 2016 at 9:30AM.
2. On Thursday, May 12, 2016, at 4:14PM, this Court entered its Order Affirming and Adopting the Report and Recommendation of the United States Magistrate Judge (Doc. 47), granting Defendant Arterbury's Motion to Suppress. As a result, the court suppressed the evidence seized from Defendant's residence which formed the basis of the charged offense in this case.
3. The United States is seeking review by the United States Department of Justice's Appellate Section in Washington, D.C. to determine how to further proceed and whether an appeal might be appropriate under the circumstances.

4. The United States requests this Court continue this matter to the June 2016 jury trial docket which will allow the Government sufficient time to determine its next steps.

5. On May 13, 2016, Government counsel communicated with Defendant Arterbury's defense counsel regarding this motion. Defense counsel is aware of this motion, but did not have a response as to its position in support or opposing by the time of this filing. Due to the abbreviated timeline until the first day of the currently scheduled trial, the United States proceeds in filing this motion regardless.

6. The defendant is not in custody.

7. This request is not made for the purpose of unnecessary delay.

WHEREFORE, the United States requests this Court to continue the jury trial from its currently scheduled date to the June 2016 docket.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2016, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

William Widell
Counsel for Defendant

/s/ Andrew J. Hofland
Andrew J. Hofland
Assistant United States Attorney